United Nations HRI/MC/2014/4

International Human Rights Instruments

Distr.: General
14 April 2014

Original: English

**Twenty-sixth meeting of chairpersons of the human rights treaty bodies**
Geneva, 23-27 June 2014
Item 4 (b) of the provisional agenda
**Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to the harmonization of working methods**

# Simplified reporting procedure

## Note by the secretariat

*Summary*

The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, encouraged the human rights treaty bodies, inter alia, to offer to States parties for their consideration the simplified reporting procedure and to set a limit on the number of the questions included. The General Assembly also encouraged States parties to consider the possibility of using the simplified reporting procedure, when offered, to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations.

The present note by the secretariat contains an overview of existing practices of the treaty bodies that have adopted a simplified reporting procedure (also known as the list of issues prior to reporting procedure). The second part of the note outlines the parameters that the chairpersons might wish to consider with a view to harmonizing and generalizing the simplified reporting procedure. The last part of the note suggests elements for endorsement by the chairpersons, based on good practices identified and the contents of General Assembly resolution 68/268.

GE.14-42479

*1442479*

Please recycle

# Contents


| | | *Paragraphs* | *Page* |
|---|---|---|---|
| I. | Introduction | 1–9 | 3 |
| II. | Background | 10–14 | 4 |
| III. | Existing simplified reporting practices | 15–41 | 5 |
| | A. Committee against Torture | 16–25 | 6 |
| | B. Human Rights Committee | 26–33 | 8 |
| | C. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families | 34–39 | 9 |
| | D. Committee on the Rights of Persons with Disabilities | 40–41 | 10 |
| IV. | Parameters for consideration by the chairpersons | 42–51 | 10 |
| | A. Scope | 42–44 | 10 |
| | B. Contents of the list of issues prior to reporting | 45–47 | 11 |
| | C. Implications of the simplified reporting procedure for the reporting cycle | 48–49 | 12 |
| | D. Implications of the simplified reporting procedure for reporting guidelines for States parties | 50 | 12 |
| | E. Time frame for the implementation of the simplified reporting procedure | 51 | 12 |
| V. | Suggested elements for endorsement by the chairpersons | 52–55 | 13 |
| Annexes | | | |
| I. | Outline of a list of issues prior to reporting used by the Committee against Torture | | 14 |
| II. | Outline of a list of issues prior to reporting used by the Human Rights Committee | | 15 |
| III. | Draft common format of a list of issues prior to reporting | | 16 |

# I. Introduction

1. The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, "encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods".

2. In the same resolution, the General Assembly recognized "the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress made by States parties to respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties". It also recognized "the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system". Further, the Assembly emphasized "that strengthening and enhancing the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and international human rights instruments establishing treaty bodies", and recognized in that regard "the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning".

3. In the light of the above, the General Assembly "encourages the human rights treaty bodies to offer to State parties for consideration the simplified reporting procedure and to set a limit on the number of the questions included". It also "encourages States parties to consider the possibility of using the simplified reporting procedure, when offered, to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations". It further establishes "word limits for all State party documentation submitted to the treaty body system, including State party reports, of 31,800 words for initial reports, 21,200 words for subsequent periodic reports and 42,400 words for common core documents, as endorsed by the treaty bodies, and calls upon the treaty bodies to set a limit on the number of questions posed, focusing on areas seen as priority issues to ensure the ability of States parties to meet the aforementioned word limits". The present note by the secretariat is submitted pursuant to those provisions.

4. The State party review by the treaty bodies consists of four components which build on one another: the submission by the State party of its initial or periodic report; the constructive dialogue between the State party and the committee; the concluding observations; and the follow-up to those observations. The State party review forms a continuum and each cycle builds on the preceding one. Hence, the present note by the secretariat should be read in conjunction with the notes by the secretariat on the constructive dialogue (HRI/MC/2014/3) and on concluding observations (HRI/MC/2014/2).

5. The nine core international human rights treaties that establish a reporting procedure for States parties do not specify the methodology for the State party review. The simplified reporting procedure is currently known as the "list of issues prior to reporting procedure". Under the procedure, a treaty body sends a list of issues prior to reporting to a State party which has accepted the procedure. The replies of the State party to the list of issues prior to reporting, together with a common core document, constitute the State party report, and a State party that reports under this procedure will have fulfilled its reporting obligations under the treaty. No further written information is required from the State party until the dialogue with the treaty body, as the practice of transmitting a list of issues following the

receipt of the report of the State party is eliminated. The constructive dialogue is conducted on the basis of the report of the State party in reply to the list of issues prior to reporting. As compared to the traditional reporting procedure, the simplified reporting procedure eliminates one of the two reporting steps in the State party review, namely the written replies of the State party to the list of issues transmitted once a State party report has been submitted.

6. The simplified reporting procedure streamlines and enhances the State party review by rendering it more focused and effective, as both the constructive dialogue and concluding observations focus on areas that the treaty body concerned sees as priority areas for consideration in a given State party at a given point in time.

7. The simplified reporting procedure decreases the reporting workload for States parties without compromising the quality of the review. States that opt in to the simplified reporting procedure are no longer required to submit both a report and written replies to a list of issues. Furthermore, as the State is responding to a list of issues prior to reporting, its report is easier to prepare and more focused. Replying to questions also facilitates the distribution of tasks at the national level with respect to the preparation of the State party report. The targeted, precise and implementable concluding observations which the simplified reporting procedure yields will in turn facilitate follow-up by the State party. Furthermore, the volume of documentation decreases while the depth and scope of the consideration of the State party report is maintained.

8. The simplified reporting procedure also presents significant advantages for treaty bodies. It allows them to conduct a more targeted analysis of human rights concerns through the list of issues prior to reporting. The constructive dialogue and eventual assessment of the human rights situation is facilitated by the receipt of State party reports that are more focused and that contain precise information. The simplified reporting procedure further allows treaty bodies to re-engage with States parties that, usually due to a lack of capacity, are long overdue in submitting their periodic report. In addition to addressing the lack of compliance, the simplified reporting procedure strengthens the ability of the treaty bodies to follow up on previous concluding observations. It further streamlines the workload of committees and enhances their capacity to address the backlog by reviewing more States parties through the elimination of one step from the reporting procedure, as explained above.

9. The present note by the Secretariat contains an overview of the existing practices of the treaty bodies that have adopted a simplified reporting procedure, some under the term "list of issues prior to reporting", namely: the Committee against Torture (adopted in 2007), the Human Rights Committee (adopted in 2009), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted in 2011) and the Committee on the Rights of Persons with Disabilities (adopted in 2013). The second part of the note lays out the parameters which the chairpersons may wish to consider with a view to generalizing and aligning the simplified reporting procedure.

## II. Background

10. A number of meetings and United Nations documents have examined the simplified reporting procedure, sometimes using the term "list of issues prior to reporting".

11. The chairpersons of the human rights treaty bodies, in their statement adopted at the informal consultation in Washington, D.C., on 1 February 2014 in the context of the treaty body strengthening process, reaffirmed their commitment to the harmonization and improvement of working methods by treaty bodies, both individually and collectively. In that context, the chairpersons indicated that several treaty bodies had already adopted the

simplified reporting procedure and that other treaty bodies were considering the possibility of implementing the procedure.

12. At their twenty-second annual meeting, in 2011, the chairpersons of the human rights treaty bodies endorsed the following points of agreement (A/65/190, para. 33):

(a) All treaty bodies are encouraged to consider whether the list of issues prior to reporting procedure could be applicable to them;

(b) Human, technical and financial resources should be allocated to the secretariat for the preparation of lists of issues prior to reporting for those treaty bodies that adhere to that practice in order to enhance the capacity of the secretariat to meet the analytical requirements;

(c) National human rights institutions and civil society, including non-governmental organizations, play an essential role with regard to the preparation of lists of issues prior to reporting, and their active participation in the process is encouraged;

(d) The Committee against Torture and the Human Rights Committee are requested to report on its experiences in implementing the list of issues prior to reporting. No report has been submitted by either committee and the issue has not been discussed further.

13. In 2012, the United Nations High Commissioner for Human Rights, in her report on the strengthening of the human rights treaty bodies, encouraged the treaty bodies that had not yet introduced the optional simplified reporting procedure to adopt it, irrespective of their current backlogs, together with a model questionnaire (list of issues prior to reporting) with a maximum of 25 questions/2,500 words (A/66/860, sect. 4.2.1). She suggested that such a questionnaire could request from States parties:

(a) Information on follow-up to and implementation of the previous recommendations of the Committee. The information provided on measures taken by the State party to implement the previous recommendations and provisions of the treaty should cover, as appropriate, the following areas: (i) policy; (ii) legislative; (iii) judicial; (iv) institutional; (v) programme and project; (vi) budgetary; and (vii) other;

(b) Information on the adoption of other measures and recent developments relating to the implementation of the treaty. For this component no question would be posed, but space would be provided for the response of the State party;

(c) Responses to specific questions on developments that have occurred in the State party since the previous review.

14. The High Commissioner also recommended that States parties consider positively the option of the simplified reporting procedure where it is offered by treaty bodies (ibid.). She further encouraged United Nations entities, national human rights institutions, civil society organizations and other interested stakeholders to submit focused information, following the format of the questionnaire, to the relevant treaty bodies, in accordance with the deadlines established by those treaty bodies.

## III. Existing simplified reporting practices

15. While the purpose and principles for its adoption have been similar, the practical application of the simplified reporting procedure varies among the treaty bodies that have adopted the procedure.

## A. Committee against Torture

16. At its thirty-eighth session, in May 2007, the Committee against Torture adopted the list of issues prior to reporting procedure on a trial basis. The Committee decided to apply the procedure to all periodic reports, with the exception of periodic reports that had already been submitted and were awaiting consideration, and regardless of the number of years the report was overdue. At the same session, the Committee met with States parties to introduce and discuss the new procedure, which does not apply to initial reports.

17. The Committee against Torture invites States parties to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment to accept the list of issues prior to reporting procedure by sending them a note verbale as their periodic report becomes due, and also includes an invitation in its concluding observations. As at 15 March 2014, 114 States parties had been invited to accept the simplified reporting procedure; 79 had accepted the procedure; 5 did not accept the procedure and 30 had not yet responded. Among the States parties that had accepted the procedure, 44 had submitted their periodic reports under the simplified reporting procedure, 24 of which had already been reviewed by the Committee. A total of 10 State parties were expected to be reviewed under the procedure in 2014. Of the 44 reports submitted under the simplified reporting procedure, 11 were submitted before the due date, 12 were submitted within three months following the due date, and 17 were submitted within a year following the due date.

18. Under the list of issues prior to reporting procedure, 36.5 per cent of the State party reports that have come due were submitted on time. This figure is significantly higher than that under the traditional reporting procedures (16.5 per cent). Furthermore, the number of periodic reports of States parties under the list of issues prior to reporting procedure is increasing, while the number of periodic reports of States parties under the traditional reporting procedure is decreasing (see table 1).

Table 1
**Trend of reports submitted under the traditional versus the simplified reporting procedure (Committee against Torture, 2009-2013)**

| | *2009* | *2010* | *2011* | *2012* | *2013* | *Total* |
|---|---|---|---|---|---|---|
| Number of periodic reports submitted under the traditional reporting procedure | 12 (75%) | 5 (38%) | 5 (45%) | 3 (20%) | 2 (13%) | 27 (39%) |
| Number of periodic reports submitted under the list of issues prior to reporting procedure | 4 (25%) | 8 (62%) | 6 (55%) | 12 (80%) | 13 (87%) | 43 (61%) |
| **Total** | **16** | **13** | **11** | **15** | **15** | **70** |

19. When it started to implement the new procedure, the Committee against Torture prepared and transmitted the list of issues prior to reporting to the States parties whose reports would be due in two years or more, regardless of the explicit agreement of the State party to the procedure. The objective at the time was to provide a concrete example to States parties of a list of issues prior to reporting, as there was no precedent. At its forty-second session, in May 2009, the Committee decided to amend its approach. Instead of sending the list of issues prior to reporting concurrently with the request for acceptance of the procedure by the State party, the Committee started to transmit the list of issues prior to reporting only after the State party had agreed to the procedure.

20. The format of the list of issues prior to reporting used by the Committee against Torture is contained in annex I of the present note. It consists of two main sections: (a) specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the previous recommendations of the Committee; and (b) general information on the national human rights situation, including new measures and developments relating to the implementation of the Convention. The first section contains specific issues/questions, organized by the respective articles of the Convention. If recent concluding observations of the Committee exist, they constitute the basis for the list of issues prior to reporting. The list further contains a subsection which addresses any other issues not directly related to specific substantive articles of the Convention, such as specific declarations under articles 20, 21 and 22 of the Convention, reservations and other declarations, ratification of the Optional Protocol to the Convention and the situation of non-governmental organizations, among others.

21. The second section includes one consolidated standard paragraph inquiring about new measures and developments relating to the implementation of the Convention. This section prevents the possible omission of relevant residual issues in the list of issues prior to reporting or by the State party in its replies. It ensures that the information provided by the State party is as complete as possible and that the information in the replies is as relevant as that which would be found in a traditional State party report. It also allows for the State party to mention whatever other issue it considers relevant. This section therefore defuses the criticism that the list of issues prior to reporting procedure limits the freedom of States parties to provide information to the Committee.

22. The Committee against Torture prepares the list of issues prior to reporting and transmits it to the State party between 18 and 24 months before the due date for the submission of the State party report. Once the Committee receives a report under the procedure, it schedules the examination of the report as soon as possible to ensure that the report remains current and no later than 18 months after submission. When scheduling reviews, the Committee does prioritize initial reports over reports submitted under the list of issues prior to reporting procedure.

23. In its concluding observations, the Committee encourages States parties that have not yet done so to accept the list of issues prior to reporting procedure. States parties that have accepted the procedure are reminded to continue to submit their reports thereunder.

24. The Committee against Torture has devoted a page on the OHCHR website to the list of issues prior to reporting procedure, with a view to implementing the procedure in an open and transparent manner and facilitating the participation of national human rights institutions and civil society organizations, including non-governmental organizations, in the process.[1] The webpage lists the status of the acceptance of the procedure by States parties. It also lists the States parties that have received a list of issues prior to reporting, the due dates for their replies, and the reports that have been submitted under the procedure.

25. At its forty-sixth session, in May 2011, the Committee against Torture proposed options to improve the list of issues prior to reporting procedure and the related working methods of the Committee for further consideration (CAT/C/47/2). Key options include: (a) the possible application of the procedure to initial reports; (b) the adoption of lists of issues prior to reporting for all States parties that report regularly and cooperate with the Committee in all its procedures, including the provision of follow-up reports; (c) the adoption of a new procedure on the review of a State party in the absence of a report and its implementation in conjunction with the list of issues prior to reporting procedure; (d) the

[1] http://www.ohchr.org/EN/HRBodies/CAT/Pages/ReportingProcedures.aspx

limitation of the number of issues in the list of issues prior to reporting to 30 questions or paragraphs; and (e) the adoption of succinct guidelines for replies to the list of issues prior to reporting with regard to the format and the quality of information provided by State parties.

## B. Human Rights Committee

26. The Human Rights Committee decided to adopt the list of issues prior to reporting procedure at its ninety-seventh session, in October 2009. Under the procedure, the reply of the State party, together with its common core document, constitutes the report submitted under article 40 of the International Covenant on Civil and Political Rights. States parties were given one year to submit their reply to the list of issues prior to reporting.

27. The Committee decided that the procedure would be optional for States parties and that it would apply only to periodic reports and only to States parties whose report was due in 2013 and beyond or whose periodic report was overdue for more than 10 years. It decided to call on State parties in chronological order, based on the due date of the next periodic report. If several reports are due on the same date, priority is given according to the date on which the Committee was informed by the State party of its agreement to the list of issues prior to reporting procedure.

28. As at 17 March 2014, 28 State parties that meet the criteria had accepted the simplified reporting procedure, and the Human Rights Committee had adopted 10 lists of issues prior to reporting and transmitted them to the States parties. By March 2014, three State parties had submitted their reports under the procedure and one State party had been reviewed under the procedure. At the time of writing, the replies of seven State parties were overdue.

29. The format of the list of issues prior to reporting used by the Human Rights Committee is contained in annex II of the present note. It consists of two main sections: (a) general information on the national human rights situation; and (b) specific questions organized by clusters of provisions in the Covenant. The first section contains three standard paragraphs asking the State party to provide information on new developments on the legal and institutional framework; on new political, administrative and other measures taken to promote and protect human rights; and on new measures undertaken and developments in the implementation of the Covenant and the recommendations of the Human Rights Committee. When they exist, recent concluding observations constitute the basis for the list of issues prior to reporting.

30. Notes verbales are sent out annually by the Human Rights Committee to ask State parties that fulfil the criteria to inform the Committee if they wish to opt in to the list of issues prior to reporting procedure. Once a State party agrees to the procedure, the secretariat schedules the adoption of the list of issues prior to reporting at a future session. The Committee prepares and adopts the list of issues prior to reporting and sends it to the State party. States parties are given at least one year to submit their reply, which, along with the common core document, constitutes the State party report.

31. The Committee tries to schedule the review of the report for no later than one year after its submission, to ensure that the report remains current. The report is not scheduled until it is received from the State party. When scheduling State party reviews, initial reports are the only reports that the Committee gives priority to over reports submitted under the list of issues prior to reporting procedure.

32. The Human Rights Committee has devoted a page on the OHCHR website to the list of issues prior to reporting procedure.[2] The webpage lists the status of each State which has agreed to the procedure, including the due date of the State party reports and the date of receipt of those that have been submitted under the procedure, with a view to implementing the procedure in an open and transparent manner and facilitating the participation of national human rights institutions and civil society organizations, including non-governmental organizations, in the process.

33. The Committee is planning to appoint a working group to review the simplified reporting procedure following the five-year pilot period (November 2010 to November 2015).

## C. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

34. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted the simplified reporting procedure at its fourteenth session, in April 2011. The replies to the list of issues prior to reporting, together with the common core document, constitute the State party report. Initially, the simplified reporting procedure applied only to periodic reports. Currently, the Committee applies the procedure to both periodic and long-overdue initial reports.

35. The Committee decided at its fifteenth session to examine the reports of States parties according to a reporting calendar (based on the treaty provision setting the periodicity of State reporting) whereby the implementation of the Convention by all States parties would be considered within a five-year reporting cycle as from 2014, with a view to ensuring full compliance by all States parties, on an equal footing, with their reporting obligations under article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In order to ensure compliance with the calendar, at its sixteenth session the Committee amended its provisional rules of procedure to provide for the consideration of States parties in the absence of a report.[3]

36. The Committee started to adopt lists of issues prior to reporting at its sixteenth session, in April 2012. By the end of 2013, eight lists of issues prior to reporting had been adopted. An additional eight such lists have been scheduled for adoption by the Committee in 2014. Five States parties will be reviewed in 2014 based upon the simplified reporting procedure.

37. The list of issues prior to reporting used by the Committee on Migrant Workers consists of three main sections: (a) general information; (b) information relating to each of the articles of the Convention; and (c) additional information. The first section contains questions asking the State party to provide general information on, inter alia, measures taken by the State party to harmonize its legislation with the Convention; national legislation on migration policies; cooperation with civil society organizations in the reporting and implementation process; and ratification of, reservations to and declarations on relevant international treaties. The second section contains specific issues and questions organized by the respective parts of the Convention. The third section contains open-ended questions requesting States parties to provide any additional information that they may wish to include. Under all sections, reference is made to recommendations in prior concluding

[2] http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/OptionalReporting.aspx?TreatyID=1&Lang=En

[3] Rule 31 bis. *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 48* and corrigenda (A/67/48 and Corr.1), para. 26.

observations, with requests for updated information concerning the implementation of relevant parts of the Convention.

38. Shortly after the Committee on Migrant Workers adopted the procedure, a letter was sent to States parties that had pending periodic reports, informing them about the simplified reporting procedure and inviting them to submit their reports under the new procedure. Since its eighteenth session, in April 2013, the Committee has systematically included a standard paragraph in its concluding observations, inviting the State party concerned to avail itself of the simplified reporting procedure. As at 15 March, 17 of 47 States parties had done so.

39. Under the simplified reporting procedure, the Committee adopts and transmits to State parties lists of issues prior to reporting, providing them with a deadline, usually of one year, to submit replies and informing them of the approximate date of the consideration of the report. The reports are scheduled to be considered within 24 months of the date of adoption of the list of issues prior to reporting. For example, the consideration of reports of States parties at the twentieth session, in April 2014, will be based on the lists of issues prior to reporting adopted at the sixteenth session, in April 2012.

### D. Committee on the Rights of Persons with Disabilities

40. The Committee on the Rights of Persons with Disabilities adopted the simplified reporting procedure at its tenth session, in September 2013. The procedure is optional and it is applicable only to States parties whose initial reports have already been considered by the Committee; it is not applicable to overdue initial reports. As at 15 March 2014, 9 of the 10 States parties whose initial report had been reviewed by the Committee had accepted the procedure.

41. The Committee will adopt and send the lists of issues prior to reporting to those State parties that have accepted the procedure at least 12 months prior to the due date of the next periodic or combined periodic report. The Committee is expected to adopt its first list of issues prior to reporting in September 2016.

## IV. Parameters for consideration by the chairpersons

### A. Scope

42. With the exception of the Committee on Migrant Workers, all treaty bodies that have adopted a simplified reporting procedure have limited its scope to periodic reports only. As a result, the periodic reporting procedure has been streamlined and the replies to the list of issues prior to reporting, which together with the common core document constitute the State party report, have become more focused. That in turn has positively influenced the constructive dialogue, enhanced the analysis by treaty body members of human rights situations and concerns and facilitated the drafting of concluding observations.

43. With the exception of the Committee on Migrant Workers, the committees that adopted a simplified reporting procedure decided not to apply the procedure to initial reports, as it was deemed necessary for treaty bodies to receive, under the traditional procedure, a comprehensive initial assessment by the State party of how it is fulfilling its treaty obligations. States parties are further requested to continue to submit a common core document.

44. The Committee on Migrant Workers also applies the simplified reporting procedure to long overdue initial reports. Thus, a number of non-reporting States parties have been prompted to engage in the State party review by submitting replies to the list of issues prior to reporting received. The Committee against Torture, at its forty-seventh session, in November 2011, also considered the possibility of applying the list of issues prior to reporting to long overdue initial reports, given the high number of non-reporting States.

## B. Contents of the list of issues prior to reporting

45. Treaty bodies that have implemented a simplified reporting procedure have developed a format for the list of issues sent to States parties prior to the submission of the State party report. The Committee against Torture and the Human Rights Committee have each developed an outline for the list of issues prior to reporting which includes standard paragraphs. The outlines are included in annexes I and II.

46. The list of issues prior to reporting used by the Committee against Torture ranges from 14 to 66 paragraphs, with an average of 39 paragraphs. The list of issues prior to reporting used by the Human Rights Committee ranges from 18 to 29 paragraphs, with an average of 24 paragraphs. The list of issues prior to reporting of the Committee on Migrant Workers ranges from 25 to 39 paragraphs, with an average length of 30 paragraphs.

47. The sources of information that are used by the relevant treaty bodies to prepare lists of issues prior to reporting include:

(a) Previous concluding observations of the treaty body;

(b) Summary records of the consideration of the previous report;

(c) Follow-up information provided by the State party, if any, and any other information provided by States parties;

(d) Follow-up to inquiries undertaken by the Committee, if any;

(e) Follow-up to decisions under the individual complaints procedure, if any;

(f) Previous State party reports to the Committee;

(g) Concluding observations of other treaty bodies, including information provided by the State party to other treaty bodies;

(h) Reports of special procedures, especially visits by relevant special procedures of the Human Rights Council;

(i) Information pertaining to the universal periodic review of the Human Rights Council, including the national report, the compilation of United Nations information, the summary of stakeholders' information and the report of the working group (outcome);

(j) Other relevant sources of the United Nations system;

(k) Reports of regional organizations or mechanisms;

(l) Reports from national human rights institutions;

(m) Reports from civil society organizations;

(n) Any other public sources that the treaty body deems relevant.

## C. Implications of the simplified reporting procedure for the reporting cycle

48. In principle, treaty bodies that have been implementing the simplified reporting procedure invite States parties to opt in to the procedure at least two and half years in advance of the due date of the State party report. The list of issues prior to reporting is sent out at least one year before the due date of the State party report. Experience has further brought to bear that the replies to the list of issues prior to reporting, which, together with the common core document, constitute the State party report, should be examined by the treaty body within 12 to 18 months following their receipt, to ensure that the information provided is current when the Committee reviews the State party and to maintain the added value of the simplified reporting procedure for all involved.

49. Although compliance with reporting obligations by States parties is higher under the simplified reporting procedure than under the traditional reporting procedure, experience has shown that some States parties that have opted in to the simplified reporting procedure may still fail to submit their reports or submit them after the specified due date.

## D. Implications of the simplified reporting procedure for reporting guidelines for States parties

50. While all committees have guidelines for reporting under the traditional reporting procedure, committees that adopted the list of issues prior to reporting procedure have not yet developed specific guidelines for State party reports under that procedure. The existing reporting guidelines, in particular treaty-specific guidelines, have therefore continued to guide State parties when submitting reports under the simplified reporting procedure. The length and degree of specificity of existing treaty-specific guidelines varies greatly. Some guidelines are technical and can be as short as 2 pages, while others are very detailed and as long as 47 pages. In its resolution 68/268, the General Assembly imposed a limit of 21,200 words on periodic reports, which will take effect on 1 January 2015. States parties reporting under the traditional procedure may then face the impossibility of submitting, within the word limit, a periodic report which complies with very detailed treaty-specific reporting guidelines.

## E. Time frame for the implementation of the simplified reporting procedure

51. Most committees currently have an in-hand backlog of reports submitted under the traditional reporting procedure. It is estimated that the backlog of all committees will be eliminated within one to three years, taking into account the additional meeting time granted by the General Assembly in its resolution 68/268, as indicated in the table below.

Table 2
**Current status of backlog and approximate projection for its elimination, as at 20 March 2014**

| | *Number of States parties* | *Reporting periodicity* | *Number of State parties to be reviewed per week* | *Backlog* | *Estimated number of State party reviews per year*[a] | *Estimated year of absorbing the backlog*[a] |
|---|---|---|---|---|---|---|
| Committee on the Elimination of Racial Discrimination | 176 | 4[b] | 2.5 | 22 | 25 | 2016 |
| Committee on the Rights of the Child | 193<br>154 (OPAC)<br>166 (OPSC) | 5 | 3[c] | 92 | 45 | 2017 |

| | Number of States parties | Reporting periodicity | Number of State parties to be reviewed per week | Backlog | Estimated number of State party reviews per year[a] | Estimated year of absorbing the backlog[a] |
|---|---|---|---|---|---|---|
| Committee on the Rights of Persons with Disabilities | 143 | 4 | 2.5 | 49 | 20 | 2017 |
| Committee on Enforced Disappearances | 42 | 6[d] | 2.5 | 7 | 10 | N/A |
| Committee on Economic, Social and Cultural Rights | 161 | 5 | 2.5 | 42 | 25 | 2017 |
| Committee on the Elimination of Discrimination against Women | 187 | 4 | 2.5 | 39 | 37 | 2016 |
| Committee on Migrant Workers | 47 | 5 | 2.5 | 0 | 9 | 2015 |
| Committee against Torture | 154 | 4 | 2.5 | 29[e] | 23 | 2015 |
| Human Rights Committee | 167 | 4 | 2.5 | 37 | 30 | 2016 |

[a] Taking into account the additional meeting time and based on the prescribed productivity ratio.

[b] Although a two-year periodicity is specified in the treaty, the International Convention on the Elimination of All Forms of Racial Discrimination allows the consolidation of two reports in one, creating a de facto periodicity of four years.

[c] Overall productivity rate for State party reviews under the Convention and its Optional Protocols.

[d] According to the treaty, subsequent reports should be submitted as requested by the Committee on Enforced Disappearances (art. 29, para. 4). In recent concluding observations, the Committee has requested that the next report be submitted by no later than six years after the adoption of the current concluding observations.

[e] Of the 29 reports pending consideration, 21 were submitted under the list of issues prior to reporting procedure.

# V. Suggested elements for endorsement by the chairpersons

52. **Following the practice by four committees and in accordance with General Assembly resolution 68/268, in which the Assembly encouraged treaty bodies to offer the simplified reporting procedure to States parties, the chairpersons could endorse the suggestion to generalize the simplified reporting procedure and recommend its implementation, as soon as possible, to their respective treaty bodies with respect to all new due reports.**

53. **In accordance with the double parameters of the Poznan formula, reflected in General Assembly resolution 68/268, the chairpersons could endorse and recommend for implementation by treaty bodies the limitation of the simplified reporting procedure to periodic reports.**

54. **The chairpersons could further endorse and recommend for implementation by their respective treaty bodies the draft common format for the list of issues prior to reporting (annex III), with a limit on the number of questions asked (25 questions).**

55. **The chairpersons may also wish to reconsider the need for the existing treaty-specific guidelines, given the simplified reporting procedure and word limit on State party reports.**

# Annexes

## Annex I

## Outline of a list of issues prior to reporting used by the Committee against Torture

### Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the previous recommendations of the Committee

**Questions by article, cluster of articles or cluster**

- Articles 1 and 4
- Article 2
- Article 3
- Articles 5–9
- Article 10
- Article 11
- Articles 12 and 13
- Article 14
- Article 15
- Article 16
- Other issues

### General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

- Please provide detailed information on any relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the recommendations of the Committee. This may include, inter alia, institutional developments, plans or programmes, including resources allocated, and statistical data or any other information that the State party considers relevant.

# Annex II

## Outline of a list of issues prior to reporting used by the Human Rights Committee

### General information on the national human rights situation

- Please provide detailed information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
- Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results.
- Please provide any other information on new measures taken to disseminate and implement the previous recommendations of the Committee, including any necessary statistical data.

### Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

- Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)
- Counter-terrorism measures and respect for rights guaranteed in the Covenant (arts. 2, 7, 9, 14 and 26)
- Equality and non-discrimination (arts. 2 and 26)
- Violence against women (arts. 2, 3, 7 and 26)
- Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and rights of non-citizens (arts. 3, 6, 7, 9 and 13)
- Elimination of slavery and servitude (art. 8)
- Treatment of persons deprived of their liberty, independence of the judiciary and fair trial (arts. 2, 9, 10 and 14)
- Protection of the rights of children (arts. 7 and 24)
- Discrimination and incitement to discrimination, hostility or violence (arts. 20 and 26)
- Equality and non-discrimination, right to participate in public life and the protection of the rights of persons belonging to ethnic minorities (arts. 2, 25, 26 and 27)

# Annex III

## Draft common format of a list of issues prior to reporting

### A. Specific information on the implementation of the recommendations of the Committee contained in the previous concluding observations

(a) Measures taken to implement the recommendation contained in [eg: paragraph 12]

(b) Measures taken to implement the recommendation contained in [eg: paragraph 13]

(c) Measures taken to implement the recommendation contained in [eg: paragraph 14]

(d) Measures taken to implement the recommendation contained in [eg: paragraph 15]

(e) Measures taken to implement the recommendation contained in [eg: paragraph 16]

(f) Measures taken to implement the recommendation contained in [eg: paragraph 17]

Etc., to include all the recommendations of the concluding observations.

### B. Specific information on the implementation of the provisions of the [Convention/Covenant...]

Please provide detailed information on any relevant legislative, administrative, judicial or other measures taken, in addition to those mentioned in the previous section, to implement the provisions of the [Convention/Covenant...]. This may include, inter alia, institutional developments, plans or programmes and the resources allocated, statistical data or any other information that the State party considers relevant.

### C. General information on other/new measures and developments relating to the implementation of the [Convention/Covenant...] or on the human rights situation in the State party

Please provide detailed information on any other relevant measures taken in addition to those mentioned in the two previous sections. This may include any other information that the State party considers relevant.